

IN THE TEXAS COURT OF CRIMINAL APPEALS

EX PARTE

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FILED
COURT OF CRIMINAL APPEALS
4/28/2020
DEANA WILLIAMSON, CLERK

NO. PD-0034-20

SULIA LAWRENCE BROWN

FIRST UNOPPOSED MOTION FOR EXTENSION OF TIME
FOR FILING OF STATE'S BRIEF ON THE MERITS

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

The State requests that the Court grant an extension of time for the filing of the State's Brief on the Merits in this case. The following allegations are made in support of this motion:

I.

The court below is the Second Court of Appeals. The style and number of the interim appellate case is *Ex parte Brown*, cause number 02-19-00064-CR. On October 17, 2019, the court of appeals reversed the trial court's denial of the pre-trial petition for writ of habeas corpus of SULIA LAWRENCE BROWN ("Appellant") and remanded the case back to the trial court.¹

¹ During juvenile proceedings in 2012, Appellant was initially alleged to have committed aggravated sexual assault of a child under 14 years of age. [CR 21] Soon thereafter, Appellant was found unfit to proceed and was committed to a residential facility. [1 CR 46] In 2017, Appellant's case was transferred to the district court pursuant to section 55.44 of the Texas Family Code because Appellant became an adult. [CR 29] Appellant's commitment to the residential facility, because he is not competent to stand trial, was reconfirmed in 2017. [CR 31-33] Appellant's case is still pending in the district court.

II.

On April 1, 2020, the State's petition for discretionary review was granted. The current deadline for the State's brief on the merits is May 1, 2020.

III.

No extension has previously been granted regarding the State's brief on the merits.

IV.

Oral argument was not granted. The submission date in this case is not yet set. Therefore, this requested extension will not delay submission.

V.

Appellant's counsel, Mr. Wes Ball, has no objection to this motion.

VI.

The extension is not requested for purposes of delay, but rather to adequately brief the legal issues. The Court granted review of two issues regarding how long

On January 29, 2019, the trial court denied Appellant's pre-trial petition for writ of habeas corpus finding that his continued commitment to the residential care facility was proper. [CR 68-77] Appellant is not currently set for trial but Appellant is currently committed to a residential care facility.

to commit incompetent persons in adult court who were transferred from juvenile court based on age and not on grand jury finding.

VII.

Since this Court granted the State's petition for discretionary review on April 1, 2020, counsel for the State has filed ten State's responses and two State's proposed findings of fact and conclusions of law in article 11.07 application for writ of habeas corpus proceedings in various Tarrant County district courts. Additionally, counsel is actively working on briefs due on extension on April 29, 2020, in *Campos v. State*, No. 02-19-0122-CR, and due on extension on May 4, 2020, in *Weatherly v. State*, No. 02-19-00394-CR. Finally, for the last month, counsel for the State has been adjusting to the current events which have caused social distancing, telecommuting for work, and elementary school closures.

VIII.

For all of these reasons, counsel requests an additional 31 days, until June 1, 2020 (30 days is a Sunday), in which to file the State's Brief on the Merits.

WHEREFORE, PREMISES CONSIDERED, the State of Texas prays that the Court grant this motion and extend the time for filing of the State's brief for 31 days until Monday, June 1, 2020.

Respectfully submitted,

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/s/ Andréa Jacobs

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CERTIFICATE OF COMPLIANCE

There are 548 words in this document according to the word counting function of Microsoft Word 2016.

/s/ Andréa Jacobs

ANDRÉA JACOBS

CERTIFICATE OF SERVICE

A true copy of the State's motion has been e-served to opposing counsel, Mr.
Wes Ball, at wes@wesball-law.com, on the 28th day of April, 2020.

/s/ Andréa Jacobs _____
ANDRÉA JACOBS

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